

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES CRAIG CRISTINI,

Petitioner,

v.

Civil No. 01-CV- 74483-DT
HONORABLE DENISE PAGE HOOD
UNITED STATES DISTRICT JUDGE

JEFFREY WOODS,

Respondent.

OPINION AND ORDER DENYING THE MOTION FOR RECONSIDERATION

On February 29, 2012, this Court denied petitioner's application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254, denied petitioner a certificate of appealability, and granted petitioner leave to appeal *in forma pauperis*. *Cristini v. Woods*, No. 2012 WL 666229 (E.D. Mich. February 29, 2012). Petitioner has now filed a motion for reconsideration. For the reasons stated below, the motion for reconsideration is **DENIED**.

Eastern District of Michigan Local Rule 7.1(g)(3) provides that in order for a court to grant a motion for reconsideration, the movant must show (1) a palpable defect; (2) that misled the court and the parties; and (3) that correcting the defect will result in a different disposition of the case. *Sigma Financial Corp. v. American Intern. Specialty Lines Ins. Co.*, 200 F. Supp. 2d 710, 715 (E.D. Mich. 2002). A 'palpable defect' is a defect which is considered "obvious, clear, unmistakable, manifest, or

plain.” *Id.* As a general rule, a court will not grant a motion for rehearing or reconsideration that merely presents the same issues ruled upon by the court, either expressly or by reasonable implication. *Id.* (citing E.D. MICH. L.R. 7.1(g)(3)).

Petitioner merely advances the same arguments in his motion for reconsideration that he raised in his petition for writ of habeas corpus and other pleadings. Petitioner’s motion for reconsideration will be denied, because petitioner is merely presenting issues which were already ruled upon by this Court, either expressly or by reasonable implication, when the Court denied the petition for writ of habeas corpus and denied petitioner a certificate of appealability. See *Hence v. Smith*, 49 F. Supp. 2d 547, 553 (E.D. Mich. 1999).

ORDER

Based upon the foregoing, IT IS ORDERED that the motion for reconsideration [Dkt. # 161] is **DENIED**.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: March 29, 2012

I hereby certify that a copy of the foregoing document was served upon James Cristini #244014, 16770 S. Watertower Drive, Kincheloe, MI 49788 and counsel of record on March 29, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager